

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

COMPANY APPLICATION NO.134 OF 2000
IN
COMPANY PETITION NO.59 OF 1984

Index Tissues Pvt. Ltd.	..Petitioner.
and	
The Khandesh Mills Workers & Industrial Society Ltd. & anr.	..Applicants.
Vs.	
Official Liquidator of the Khandesh Spg. And Wvg. Mills Co. Ltd. (in liqn.) & Ors.	..Respondents.
...	
Mr. Ajay Panicker for the Applicants.	
Mr. L.M. Acharya for the Petitioner.	
Mr. S. Ramakantha, Dy. Official Liquidator present.	

...

CORAM: DR. D.Y. CHANDRACHUD, J.

16th June, 2007.

P.C. :

1. The following reliefs have been sought in the Company Application :

- i) a direction to the Official Liquidator to adjudicate and pay the claim of the workers;
- ii) a direction to the Receiver appointed by the Debt Recovery

Tribunal to hand over the assets of Khandesh Spinning and Weaving Mills Limited (in liquidation) to the Official Liquidator;

iii) a direction to the Official Liquidator to sell or auction the properties;

iv) the appointment of a Sale Committee in the alternative;

v) a direction to the Third and Fourth Respondents to proceed in their suit against the guarantors;

vi) a direction to the Receiver to hand over the accumulated rent/ compensation to the Official Liquidator;

vii) a direction to the Official Liquidator to sanction a part of the available funds to the workers; and

viii) a direction to the Receiver not to disburse any amount without the prior consent of this Court.

2. From the material placed on the record before this Court by the counsel it is apparent that the Company Application has been rendered infructuous. By an order dated 8th August, 2003 a Division Bench of this Court presided over by the Hon'ble the Chief Justice, Shri Justice C. K. Thakker (as His Lordship then was) dismissed the

Petition filed by Rashtriya Girni Kamgar Sangh against the order passed by the Debt Recovery Appellate Tribunal, Mumbai. It is an admitted position that the properties have been sold. Civil Appeal 5987 of 2004 before the Hon'ble Supreme Court was thereafter disposed of on 13th April, 2007 with a direction to the Official Liquidator to make payment of Rs.2,48,85,618/- within six weeks to the administrator of the union for disbursement to the workmen towards payment of salary. On 16th April, 2007 the Supreme Court modified the earlier order to the extent that the Interlocutory Application in Civil Appeal 5987 of 2004 was disposed of as agreed between the parties without prejudice to the rights of the parties in respect of other claims.

3. Having regard to the subsequent events that have taken place including the order passed by the Supreme Court, the reliefs sought in the Company Application do not survive. The Company Application is accordingly disposed of.